

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Adopted Rules

■ UNEMPLOYMENT BENEFITS

The DEPARTMENT OF EMPLOYMENT SECURITY adopted a new Part titled Special Programs (56 IAC 2870; 45 Ill Reg 6472) and adopted amendments to the Parts titled Disqualifying Income and Reduced Benefits (56 IAC 2920; 45 Ill Reg 6494) and Periods of Extended Benefits (56 IAC 2970; 45 Ill Reg 6500), all effective 8/23/21. The rulemakings for Parts 2870 and 2970 replace emergency rules that were effective 4/29/21. The new Part 2870 establishes a Short Time Compensation (STC) program, known as WorkShare IL, under the Unemployment Insurance Act, through which employers may enable employees who work reduced hours (instead of being laid off entirely) to receive partial unemployment benefits. Employers must submit their STC plans to DES for approval. A plan can be revoked if the employer

COVID-19 ACTIONS

Executive Orders of the Governor concerning the COVID-19 public health emergency can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

fails to abide by any assurances made in the plan (e.g., that it will continue to provide health and retirement benefits, or will not hire new employees while current employees are working reduced hours). Each plan must have a start date on a Sunday and an end date no later than the last Saturday of the 12th full calendar month after the month of the start date. Small businesses that wish to participate in this program are affected. The

(cont. page 2)

Emergency Rulemakings

VACCINATION REGISTRY

The DEPARTMENT OF PUBLIC HEALTH adopted an emergency amendment to Immunization Registry Code (77 IAC 689; 45 Ill Reg 10874), effective 8/19/21, modifying a previous emergency rule (45 Ill Reg 9607, effective 7/16/21) for the remainder of its 150-day term. The emergency amendment clarifies certain conditions of access to personal data in DPH's Immunization Registry. The Department of the Lottery and the Office of the State Treasurer may access registry information in order to verify winners in the Coronavirus Vaccine Incentive Public Health Promotion (a series of cash and scholarship prize drawings for Illinois residents who have been vaccinated against COVID-19) only after the winner, or the winner's guardian if the winner is

(cont. page 2)

ADOPTED RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.
PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.
PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.
QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.
RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Adopted Rules

(cont. from page 1)

Part 2970 rulemaking clarifies that there is no gap between extended unemployment benefits authorized under the federal CARES Act (PL 116-136, eff. 3/27/20) and those authorized under the federal Continued Assistance Act (PL 116-260, eff. 12/27/20). Finally, the amendment to Part 2920 corrects an erroneous cross-reference.

Questions/requests for copies of the 3 DES rulemakings: Kevin Lovellette, DES, 33 S. State St.,

Room 910, Chicago IL 60603, 312/793-1224, fax: 312/793-5645, Kevin.Lovellette@illinois.gov

■ COMMERCIAL DRIVERS

The DEPARTMENT OF TRANSPORTATION adopted an amendment to the Part titled Commercial Driver's License Standards; Requirements and Penalties (92 IAC 383; 45 Ill Reg 4884) effective 8/23/21. The rulemaking incorporates recent updates to Federal Motor Carrier

Safety Regulations, effective as of 10/1/20, that add offenses related to human trafficking to the list of offenses that permanently disqualify an individual from operating a commercial motor vehicle. Commercial vehicle drivers are affected.

Questions/requests for copies: Greg Stucka, DOT, 2300 S. Dirksen Pkwy., Room 317, Springfield IL 62764, 217/524-2638.

Emergency Rulemakings

(cont. from page 1)

a minor, has signed an authorization form provided by DPH. The emergency amendment also removes provisions that allowed other State agencies and their "partners" to obtain access to registry data.

■ DISEASE TESTING

DPH also adopted emergency amendments to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 45 Ill Reg 10847) effective 8/19/21 for a maximum of 150 days. This emergency rulemaking continues and updates the provisions of a previous emergency rule that was effective 3/22/21 and expired 8/18/21. Each facility must maintain written infection control policies

and procedures on site and make them available upon request to residents, their families or representatives, DPH, and the certified local health department. Additionally, the facility shall provide to DPH upon request a copy of any infection control recommendations made by the entity responsible for annual review of infection control policies and procedures (e.g., quality assurance committee). The rulemaking also lists updated Centers for Disease Control and Prevention guidelines and federal regulations concerning COVID-19 testing and infection control that facilities must follow. If a resident, employee or volunteer of a long term care facility tests positive for COVID-19, all residents, staff and volunteers must be tested; those who do not test positive must be

retested every 3 to 7 days until no new cases are identified. If there are no active cases in a facility, staff and volunteers, as well as asymptomatic residents who leave the facility for medical treatment and return (e.g., dialysis patients), must be tested at least twice a week if the county's positivity rate for COVID-19 testing is above 10%; once a week if the positivity rate is between 5% and 10%; and once a month if the positivity rate is below 5%. Nursing homes are affected by these emergency amendments.

Questions/requests for copies of the 2 DPH emergency rules: Tracey Trigillo, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-1159, dph.rules@illinois.gov

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be published in next week's *Illinois Register* and considered at the September 14, 2021 JCAR meeting in Chicago. Other items not listed in the *Register* or The Flinn Report may also be considered. Further comments should be addressed to JCAR using the contact information on page 1.

DEPT ON AGING

Community Care Program (89 IAC 240; 45 Ill Reg 8172) proposed 7/9/21

DEPT OF CENTRAL MANAGEMENT SERVICES

Pay Plan (80 IAC 310; 45 Ill Reg 8599) proposed 7/16/21

DEPT OF HUMAN SERVICES

Schedule of Controlled Substances (77 IAC 2070; 45 Ill Reg 7560) proposed 6/25/21

DEPT OF INSURANCE

Construction and Filing of Accident and Health Insurance Policy Forms (50 IAC 2001; 44 Ill Reg 17603) proposed 11/6/21

DEPT OF NATURAL RESOURCES

Public Use of State Parks and Other Properties of the Department of Natural Resources (17 IAC 110; 45 Ill Reg 8245) proposed 7/9/21

General Hunting and Trapping on Department-Owned or -Managed Sites (17 IAC 510; 45 Ill Reg 7587) proposed 6/25/21

Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 IAC 530; 45 Ill Reg 7595) proposed 6/25/21

Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote, Bobcat and Woodchuck (Groundhog) Hunting (17 IAC 550; 45 Ill Reg 7624) proposed 6/25/21

Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, River Otter, Beaver, Bobcat and Woodchuck (Groundhog) Trapping (17 IAC 570; 45 Ill Reg 7640) proposed 6/25/21

White-Tailed Deer Hunting by Use of Firearms (17 IAC 650; 45 Ill Reg 7730) proposed 6/25/21

White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 IAC 660; 45 Ill Reg 77560) proposed 6/25/21

White-Tailed Deer Hunting by Use of Bow and Arrow (17 IAC 670; 45 Ill Reg 7775) proposed 6/25/21

Special White-Tailed Deer Hunting Season for Disease Control (17 IAC 675; 45 Ill Reg 7800) proposed 6/25/21

Late-Winter Deer Hunting Season (17 IAC 680; 45 Ill Reg 7807) proposed 6/25/21

Youth Hunting Seasons (17 IAC 685; 45 Ill Reg 7816) proposed 6/25/21

Squirrel Hunting (17 IAC 690; 45 Ill Reg 7832) proposed 6/25/21

The Taking of Wild Turkeys - Spring Season (17 IAC 710; 45 Ill Reg 7845) proposed 6/25/21

The Taking of Wild Turkeys - Fall Gun Season (17 IAC 715; 45 Ill Reg 7868) proposed 6/25/21

The Taking of Wild Turkeys - Fall Archery Season (17 IAC 720; 45 Ill Reg 7880) proposed 6/25/21

(cont. page 4)

Second Notices

(cont. from page 3)

Dove Hunting (17 IAC 730; 45 Ill Reg 7894) proposed 6/25/21

Crow, Woodcock, Snipe, Rail and Teal Hunting (17 IAC 740; 45 Ill Reg 7913) proposed 6/25/21

DEPT OF PUBLIC HEALTH

Children's Community-Based Health Care Center Code (77 IAC 260; 45 Ill Reg 7928) proposed 6/25/21

Sexual Assault Survivors Emergency Treatment Code (77 IAC 545; 45 Ill Reg 7957) proposed 6/25/21

African-American HIV/AIDS Response Code (77 IAC 691; 45 Ill Reg 7235) proposed 6/18/21

Alzheimer's Disease and Related Dementias Services Code (77 IAC 973; 45 Ill Reg 7239) proposed 6/18/21

PROPERTY TAX APPEAL BOARD

Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 IAC 1910; 45 Ill Reg 6631) proposed 5/28/21

SECRETARY OF STATE

Certificates of Title, Registration of Vehicles (92 IAC 1010; 45 Ill Reg 6641) proposed 5/28/21

Issuance of Licenses (92 IAC 1030; 45 Ill Reg 5337) proposed 4/23/21

Commercial Driver Training Schools (92 IAC 1060; 45 Ill Reg 5340) proposed 4/23/21

STATE BOARD OF EDUCATION

Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 45 Ill Reg 4579) proposed 4/16/21

Joint Committee on Administrative Rules

Senator Bill Cunningham, *co-chair*
Senator John F. Curran
Senator Donald DeWitte
Senator Kimberly Lightford
Senator Tony Muñoz
Senator Sue Rezin

Representative Tom Demmer
Representative Michael Halpin
Representative Frances Ann Hurley
Representative Steven Reick
Representative Curtis Tarver, II
Representative Keith Wheeler, *co-chair*

Kim Schultz
Executive Director